



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-671**

**Released: February 14, 2007**

Dr. Joseph A Zavaletta  
603 East St. Charles Street  
Brownsville, TX 78520

Re: KTRG(TV), Del Rio, TX  
Facility ID No. 55762  
File Nos. BRCT-20060327ADD  
BALCT-20060120ABR  
BEPCDT-20060406ABW  
BELSTA-20060523AEN

Dear Dr. Zavaletta:

This is with regard to the Petition to Deny the renewal application (File No. BRCT-20060327ADD) for Station KTRG(TV), Del Rio, Texas, filed by the court-appointed trustee, Ben Floyd, on behalf of Ortiz Broadcasting Corporation (OBC). In addition, you have incorporated the allegations raised in the petition into informal objections to the above-captioned applications: to assign the KTRG license from OBC to SATV 10, LLC, a buyer approved by the Bankruptcy Court (File No. BALCT-20060120ABR); for an extension of the construction permit for KTRG(DT) (File No. BEPCDT-20060406ABW); and for Special Temporary Authority (File No. BELSTA-20060523AEN). OBC has filed oppositions to each of your pleadings.

In the petition, you allege that KTRG has been off the air for at least 12 months. You state that your assistant, Richard Diaz, traveled to Del Rio in April and May of 2006 and observed no signal from KTRG on Channel 10. Diaz also went to the offices of the local newspaper, the Del Rio News-Herald, and determined that no listings for KTRG had been published for the past four years. In addition, you state that conversations you had with the manager of the local cable franchise in Del Rio as well as local residents further indicate the station has been off the air for many years. These facts, you contend, indicate that pursuant to Section 73.1740(c) of the Commission's Rules, 47 C.F.R. §73.1740(c), the station authorization has lapsed rendering its renewal and other applications a nullity.

You also maintain that even if the station is not found to have been off the air for at least 12 months, the renewal application should be denied for conduct which, taken together, indicates a "pattern of abuse." Specifically, you relate that when Diaz traveled to Del Rio in April and May of 2006, he visited the location of KTRG's public inspection file as listed in the public notice for the renewal application and found no public file or office for KTRG at that address. You also note that review of the FCC's electronic filings database indicates that the station has failed to file the three most recent quarterly Children's Television Programming Reports, and

that any reports on file are fraudulent because the station has been off the air for at least four years.

In opposition, OBC contends that the allegations contained in the petition do not raise a substantial or material question of fact with regard to the pending renewal, assignment and other applications. It states that the licensee obtained authority to discontinue operations on December 28, 2005, and that the station resumed on-air operations on July 19, 2006. It further maintains that the Del Rio News-Herald does not include programming information for the station because the licensee has not supplied it. In any event, it argues that the decision to carry such information is made by the newspaper, and does not warrant further examination with respect to the licensee. With regard to the KTRG public file, OBC states that it is located at the address listed in the public notice of the filing of its renewal application. It states that the public file is located at the trustee's law firm at that address. To the extent that that public notice lists the street address where the public file is located but not the name of the trustee's law firm, it argues that such an error does not warrant designation of the renewal application for a hearing.

**Discussion.** The petition fails to set forth sufficient facts to conclude that further action is warranted. The Commission's records reflect that the trustee properly obtained Commission authority to suspend operations in December 2005, and the station resumed operation in July 2006. That the local newspaper did not carry listings for the station and your conversations with local residents do not raise a substantial question concerning whether KTRG operated for 12 continuous months as alleged.

As to the alleged public file violation, it appears that the location of the station's public inspection file as it appeared in the public notice could have been clearer under these circumstances. But there is nothing to suggest that it was intentionally misleading. Similarly, there is nothing to suggest the failure to file the most recent quarterly Children's Television Programming Reports was also intentional. Nevertheless, it is a technical violation of our rules. However, under these particular circumstances where the station has been operated by a trustee at the direction of the Bankruptcy Court that has approved a sale to a qualified buyer, such a violation does not raise a sufficient question as to whether the public interest will ultimately be served by the grant of the pending applications. In any event, we caution the licensee to meet its Children's Programming obligations in the future.

Accordingly, your Petition to Deny IS DENIED, and the derivative Informal Objections based thereon ARE DISMISSED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: James A. Stenger, Esquire  
Brian D. Weimer, Esquire  
Robert J. Rini, Esquire